Court of Appeals
Sixth Appellate District of Texas

J U D G M E N T

Gary Carson, Appellant

No. 06-15-00172-CR v.

The State of Texas, Appellee

Appeal from the 102nd District Court of Bowie County, Texas (Tr. Ct. No. 14F0161-102). Memorandum Opinion delivered by Chief Justice Morriss, Justice Moseley and Justice Burgess participating. Dissenting Opinion by Justice Burgess.

As stated in the Court's opinion of this date, we find there was partial error in the judgment of the court below. Therefore, we affirm the judgment of the trial court as it relates to the conviction. We reverse the trial court's sentence and remand the cause for a new sentencing hearing.

We further order that the appellee, The State of Texas, pay all costs of this appeal.

RENDERED JANUARY 31, 2017
BY ORDER OF THE COURT
JOSH R. MORRISS, III
CHIEF JUSTICE

ATTEST:
Debra K. Autrey, Clerk